

Assembly Bill No. 798

Passed the Assembly June 27, 2011

Chief Clerk of the Assembly

Passed the Senate June 23, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 6529 of the Government Code, relating to joint exercise of powers.

LEGISLATIVE COUNSEL'S DIGEST

AB 798, Chesbro. Joint powers agreement: public agencies.

Existing law authorizes the Elk Valley Rancheria Tribal Council, as the governing body of the Elk Valley Rancheria, California, a federally recognized Indian tribe, to enter into a joint powers agreement with the County of Del Norte and the City of Crescent City, or both, and deems that joint powers agency to be a public agency for this purpose. Existing law also prohibits the joint powers authority from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by the authority or one or more public agency members and the revenue streams pledged to repay the bonds derived from the authority or one or more of its public agency members.

This bill would provide that the Smith River Rancheria Tribal Council may enter into a joint powers agreement to participate in the Border Coast Regional Airport Authority, and may also enter into a joint powers agreement with the County of Del Norte, the City of Crescent City, or both, for certain purposes, and, for those purposes, would provide that the Smith River Rancheria Tribal Council is a public agency for purposes of the law relating to joint powers agencies. This bill would also extend the prohibition against issuing bonds for public improvements except under specified circumstances to any authority created pursuant to this bill.

The people of the State of California do enact as follows:

SECTION 1. Section 6529 of the Government Code is amended to read:

6529. (a) (1) The Elk Valley Rancheria Tribal Council, as the governing body of the Elk Valley Rancheria, California, a federally recognized Indian tribe, may enter into a joint powers agreement with the County of Del Norte and the City of Crescent City, or

both, and shall be deemed to be a public agency for purposes of this chapter.

(2) The Smith River Rancheria Tribal Council, as the governing body of the Smith River Rancheria, California, a federally recognized Indian tribe, may enter into a joint powers agreement to participate in the Border Coast Regional Airport Authority, and may also enter into a joint powers agreement with the County of Del Norte and the City of Crescent City, or both, to assist, facilitate, develop, or enhance sewer, stormwater, drinking water, or transportation services, and, for those purposes, shall be deemed to be a public agency for purposes of this chapter.

(b) On and after January 1, 2004, the joint powers authorities created pursuant to subdivision (a) shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7) unless the public improvements to be funded by the bonds will be owned and maintained by the authorities or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authorities or one or more of its public agency members.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances affecting the Smith River Rancheria Tribal Council.

Approved _____, 2011

Governor